

Application No. 10/580,820
Amendment dated January 30, 2012
Reply to Office Action of September 28, 2011

REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Claims 1-3, 5-7, 9, and 11 are currently pending. Claims 1 and 11 have been amended. Claims 4, 8, and 10 were previously canceled. No claims have been canceled by way of the present amendment. No new matter has been added. No new claims have been added. Reconsideration is respectfully requested.

Claims 1-3, 5-7 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 1-3, 5-7 and 9 to overcome the rejection under 35 U.S.C. § 112, second paragraph. The term acupuncture has been corrected to read acupressure and therefore the indefiniteness of the claim has been addressed. Applicant, therefore, respectfully requests the withdrawal of the outstanding rejection.

With regard to the rejections based upon cited references, claims 1-3, 5-7, 9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. 63-166235 to Fujihara ("Fujihara") in view of U.S. Patent No. 3,279,468 to Le Vine ("Le Vine"). This rejection is respectfully traversed in view of the preceding amendments and the remarks which follow.

Applicant thanks Examiner Webb for her kind assistance during the interview conducted on January 17, 2012. As discussed during the interview, Applicant has clarified the claim language to set forth that the pressure points are located on the mask and they are limited to five distinct areas and

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the acupuncture areas are limited to three discrete locations on the mask. The newly added structural limitations and clarifications set forth in the two independent claims and the claims that depend therefrom are neither taught nor suggested by the cited art, Fujihara in view of Le Vine. As discussed in the interview, there is no motivation for Fujihara to place five pressure points in the three groups of apertures in five discrete areas of the mask.

With the foregoing in mind, it is Applicant's opinion the present amendments overcome the cited references and Applicant respectfully requests that the outstanding rejection be withdrawn.

The claim amendments made with this response do not indicate agreement with the Examiner's rejection, and all previous arguments and traversals are maintained. The amendments made in this response are made to further prosecution on the merits, and without prejudice to the Applicant filing one or more continuation applications having claims as originally or previously presented.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicants' representative at the below number.

Respectfully submitted,



Stewart L. Gitler
Registration No. 31,256

WELSH FLAXMAN & GITLER LLC
2000 Duke Street, Suite 100
Alexandria, VA 22314
(703) 920-1122